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VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**RE: Katzoff v. Global
12 CV 3673 (BMC)
Status Report**

Dear Judge Cogan:

I represent the plaintiff in the above matter. In response to the defendant's status report which I believe should have been filed as some type of motion, we present the Court with the following information. We produced an additional recording for the defendant which starts: "This is an important call . . ." We also disclosed that there were 19 calls placed to the plaintiff's cell phone but because it is a prepaid cell phone, there are no records. We also produced a spreadsheet of 57 calls placed to plaintiff's wireless service.

We believe that defendant's application is premature especially where he filed the application prematurely. It is clear that defendant waited until the very last moment to frustrate plaintiff's efforts to obtain the class list. Independent of plaintiff's production, defendant could have forwarded a proposed protective order to the undersigned days ago. Also, even though my name appears on the protective order, I did not approve nor did I see the protective order until this morning. Plaintiff deems defendant last minute effort to present a protective order as a delay tactic in providing the plaintiff with information ordered by the Court. Furthermore, Mr. Pollack is an associate at his firm, and I contend is not the attorney primarily responsible for this matter. Perhaps if the partner primarily responsible for the matter had appeared, we could have discussed the issue of protective order at the last conference. Plaintiff submits that the plaintiff has complied with the Court's order and now requests that the defendant be ordered to do the same.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/

Adam J. Fishbein

Cc: Yale Pollack, Esq.